

Serial No. 10/801,273

Amend. In Resp. to Off. Act. Of Aug. 25, 2009

UTILITY PATENT

B&amp;D No. JK01488A

Hurn/Drake, and further in view of US Patent No. 6,615,701 ("Hollinger"). These rejections are respectfully traversed.

Applicants note that Ito, Hurn, Drake, Avakian and Hollinger, whether individually or in combination, do not show a lowermost portion of the gear housing intersected by the longitudinal axis of the motor shaft that is higher than the arbor. The Examiner argued that several lines can be drawn from the shaft intersecting the gear housing, and that those portions are higher than the arbor, and referred the Applicants to the modified Figure 3.<sup>1</sup>

However, such portion is not the lowermost portion. Claim 1, as amended, defines the lowermost portion as being "the portion of the gear housing intersected by the longitudinal axis of the motor shaft closest to the support surface when the cutting assembly is in the lowered position."

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<sup>1</sup> Even though the Office Action mentioned referred the Applicants to "Modified Figure 3 below," no such figure was found in the Office Action. Applicants will assume that the Examiner was referring to the modified Figure 3 included in the Office Action of May 4, 2009.

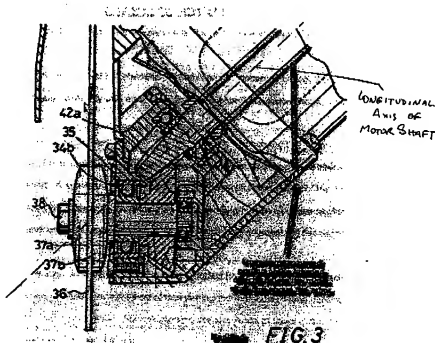
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Applicants have modified the Figure 3 provided by the Examiner to show the longitudinal axis of the shaft:



As shown in this figure, the longitudinal axis of the motor shaft does not intersect the Ito's gear housing covering at least part of the gear assembly and the arbor in the lower areas. Accordingly, Ito does not have an outer lowermost exposed portion which is intersected by the longitudinal axis of the motor shaft.<sup>2</sup>

<sup>2</sup> In the modified Figure 3, the Examiner had identified several lines extending from the motor shaft, but as they do not extend along the longitudinal axis of the motor shaft, those intersected portions cannot be the claimed portion.

Furthermore, the Examiner may argue that the longitudinal axis of the motor shaft also extends upwardly, exiting the upper portion of the motor housing. However, such portion would not be (a) in the gear housing or (b) an outer lowermost portion "closest to the support surface when the cutting assembly is in the lowered position."

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By contradistinction, Claim 1 calls for "the lowermost portion being the portion of the gear housing intersected by the longitudinal axis of the motor shaft." Being that no portion of the Ito gear housing is intersected by the longitudinal axis of the motor shaft, Ito does not have the claimed element.

Furthermore, because Ito does not have the claimed lowermost gear housing portion, it cannot have the claimed arrangement of "the outer lowermost exposed gear housing portion [being] higher than the arbor when the blade is substantially perpendicular to the horizontal support surface."

Because the cited references do not show, teach or suggest such arrangement, they cannot render unpatentable Claim 1 and its dependent claims.

In view of the foregoing, all the claims are patentable and the application is believed to be in condition for formal allowance. Reconsideration of the application and allowance of Claims 1-7 and 34-35 are respectfully requested.

No fee is due. Nonetheless, the Commissioner is authorized to charge payment of any fees due in processing this response, or credit any overpayment to Deposit Account No. 02-2548.

Respectfully submitted,



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EXHIBIT A

